

MINUTES OF MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JUNE 4, 2015

The Cass County Joint Water Resource District met on June 4, 2015, at 10:30 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug, Southeast Cass Water Resource District; Rodger Olson, Maple River Water Resource District; Ken Lougheed, North Cass Water Resource District; Raymond Wolfer, Rush River Water Resource District; Carol Harbeke Lewis, Secretary-Treasurer; Michelle Anderson, Administrative Assistant; Chris McShane and Lukas Andrud, Attorneys for the Board; Bruce Spiller, CH2M HILL Engineers, Inc.; Eric Dodds and Tanaya Reitz, Advanced Engineering and Environmental Services, Inc. (AE2S); DJ Rieger, Oxbow City Council; Paul Breen, Fargo resident, and Tu-Uyen Tran, *The Forum*. Absent was Dan Jacobson, Southeast Cass Water Resource District.

Oxbow-Hickson-Bakke Ring Levee Project - injunction

Chris McShane explained and clarified the language and the construction activities on hold due to the injunction ordered by a Minnesota U.S. District Judge. Construction of the Oxbow-Hickson-Bakke Ring Levee Project Work Package 43D has stopped. Home construction already underway at the time the injunction was issued will move forward. No further properties will be acquired and homes not yet under construction will not proceed, until further clarification is provided. Work on the golf course will continue. Construction activities in the City of Fargo are not affected by the injunction.

Discussion was held on the impact to the residents in the City of Oxbow. DJ Rieger presented concerns to the Board on the hardship to property owners, home builders and contractors because of the injunction. Tanaya Reitz and Paul Breen have contacted property owners to update them on the matter.

Dorsey and Whitney, LLP has filed a request for clarification on the injunction. The Board encouraged Ohnstad Twichell, P.C. to obtain further clarification on allowed construction activities as soon as possible. Erosion control will be needed to maintain the construction already underway. Mr. McShane suggested the Board obtain reimbursement confirmation from the Diversion Authority before further property is acquired.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project – land acquisition

It was moved by Manager Wolfer and seconded by Manager Lougheed to approve and authorize Chairman Brodshaug to sign the following:

- *Agreement for Holdback of Funds In Escrow* for Lot 3, Block 1, Babe's Addition, Pleasant Township, Cass County, North Dakota, pending a fully executed *Quit Claim Deed*, on or before December 31, 2015, regarding the Oxbow-Hickson-Bakke Ring Levee Project;
- *Land Rental Agreement* for Part of Lot 3, Block 1, containing .89 acres, in Babe's Addition, Pleasant Township, Cass County, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project.

Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project - open records requests

Numerous open records requests have been submitted to the Cass County Joint Water Resource District office and to consultants regarding the Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project. Discussion was held on proper procedure and how to handle the requests. The Cass County Joint Water Resource District *Research and Copy Policy* is presented to anyone requesting records.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Olson, seconded by Manager Loughheed and unanimously carried to adjourn the meeting.

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer